

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN FREDERICK NOLE,	:	
Plaintiff,	:	
v.	:	Civil Action No. 05-396J
CORRECTIONS OFFICER WATERHOUSE,	:	
FACILITY MANAGER BRITTON, LT.	:	
RYDBOM, SUPERINTENDENT GEORGE	:	
PATRICK, and GRIEVANCE	:	
COORDINATOR D. CHENCHERICK,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

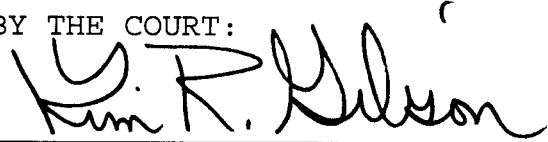
The Magistrate Judge filed a Report and Recommendation on November 28, 2005, docket no. 5, recommending that the complaint be dismissed for failure to state a claim. 28 U.S.C. § 1915(e)(2)(B).

The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections on December 8, 2005, docket no. 8, which I have considered and reject. After de novo review of the record, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 20<sup>th</sup> day of December, 2005, it is

ORDERED that plaintiff's complaint is dismissed for failure to state a federal claim, without prejudice to bringing any state law claims in the appropriate state court. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a large initial "K".

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

cc:

John Frederick Nole AF-0346  
S.C.I. Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698-1000